
HOUSE BILL No. 1115

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-10-16.

Synopsis: Cost of living adjustment for sheriffs' pension. Authorizes a county fiscal body to establish by ordinance an annual cost of living adjustment for surviving spouses of employee beneficiaries of a sheriff's pension trust.

Effective: July 1, 2006.

Kuzman, Lawson L

January 5, 2006, read first time and referred to Committee on Public Safety and Homeland Security.

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Introduced

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1115

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-8-10-16, AS AMENDED BY P.L.97-2005,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2006]: Sec. 16. (a) The department may establish and operate
4 a dependent's pension benefit for the payment of pensions to dependent
5 parents, surviving spouses, and dependent children under eighteen (18)
6 years of age of former employee beneficiaries. The department may
7 provide these benefits by the creation of a reserve account, by obtaining
8 appropriate insurance coverage, or both. However, the department may
9 not establish or modify a dependent's pension benefit after June 30,
10 1989, without the approval of the county fiscal body which shall not
11 reduce or diminish any dependent's pension benefits that were in effect
12 on January 1, 1989.

13 (b) This subsection applies to survivors of employee beneficiaries
14 who:

- 15 (1) died before January 1, 1990; and
16 (2) were covered by a benefit plan established under this section.
17 The maximum monthly pension payable to dependent parents or

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surviving spouses may not exceed two hundred dollars (\$200) per month during the parent's or the spouse's lifetime if the spouse did not remarry before September 1, 1984. If the surviving spouse remarried before September 1, 1984, benefits ceased on the date of remarriage. The maximum monthly pension payable to dependent children is thirty dollars (\$30) per child and ceases with the last payment before attaining eighteen (18) years of age.

(c) This subsection applies to survivors of employee beneficiaries who:

(1) died after December 31, 1989; and

(2) were covered by a benefit plan established under this section.

The monthly pension payable to dependent parents or surviving spouses must be not less than two hundred dollars (\$200) for each month during the parent's or the spouse's lifetime. The monthly pension payable to each dependent child must be not less than thirty dollars (\$30) for each child and ceases with the last payment before attaining eighteen (18) years of age.

(d) The county fiscal body may by ordinance provide an increase in the monthly pension of survivors of employee beneficiaries who die before January 1, 1990. However, the monthly pension that is provided under this subsection may not exceed the monthly pension that is provided to survivors whose monthly pensions are determined under subsection (c).

(e) In order to be eligible for a benefit under this section, the surviving spouse of an employee beneficiary who dies after August 31, 1984, must have been married to the employee beneficiary at the time of the employee's retirement or death in service.

(f) The county fiscal body may provide by ordinance for an annual cost of living payment to surviving spouses who receive a pension benefit under this section. The amount of the cost of living payment shall be determined under section 23(c) of this chapter and may be paid annually, semiannually, quarterly, or monthly. A cost of living payment granted under this subsection shall be funded by a direct appropriation or by maintaining a fully funded actuarially sound trust fund.

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